

**SUBDIVISION REVIEW BOARD  
FEBRUARY 7, 2005**

Minutes of the Regular Meeting of the County Subdivision Review Board held in the San Luis Obispo County Board of Supervisors Chambers, San Luis Obispo, California, at 9:00 a.m.

PRESENT: MEMBERS Aeron Arlin-Genet (Air Pollution Control), Richard Lichtenfels (Environmental Health), Richard Marshall (Public Works), John Nall (Environmental Coordinator), and Chairman John Euphrat (Planning and Building)

ABSENT: None

STAFF  
PRESENT: James Caruso, Planner, Current Planning  
Jay Johnson, Planner, Current Planning  
Mike Wulkan, Planner, Current Planning  
Josh LeBombard, Planner, Current Planning  
Brian Pedrotti, Planner, Current Planning

OTHERS  
PRESENT: Jim Orton, Deputy County Counsel

The meeting is called to order by Chairman Euphrat.

The following action minutes are listed as they were acted upon by the Subdivision Review Board and as listed on the agenda for the Regular Meeting of February 7, 2005, together with the maps and staff reports attached thereto and incorporated therein by reference.

Speaker	Note
Call to Order	
Roll Call	
Public Comment	
Eric Greening	States he wishes to learn outcome of Flagg item on today's agenda, as it relates to TDC's. States breaking down the land because the agricultural use is not viable is not a sound argument, and does not meet the intent of the ordinance. States the feeling that precedent has already been set so further use of TDC's in agriculture should be prohibited is a faulty argument.
Discussion takes place	Regarding request for review of the negative declaration, which came up so late the project is now requested to be continued.
CONSENT AGENDA	Thereafter, on motion by Mr. Marshall, seconded by Mr. Lichtenfels, and unanimously carried, to approve the consent agenda as follows:
	a. Minutes of January 3, 2005 Subdivision Review Board Meeting.  b. <b>Parcel Map CO 02-0011 (S01025P)</b> Request from <b>LORRAINE A. SHARPS/ CINDY LEWIS</b> for a <b>1st time extension</b> for a tentative parcel map CO 02-0011, a subdivision of a 13.02 acre parcel into four parcels ranging in size from 2.52 to 2.55 acres each and a 2.85 acre remainder parcel. The

	project is located at 1033 Phillips Road, approximately 1.0 mile north of the city of Arroyo Grande, in the San Luis Bay (Inland) planning area. APN. 044-322-040 Supervisorial District 4.
2. Shennum SUB2004-00204	This being the time set for hearing to consider a request by JEREMY AND JOEL SHENNUM for a Reconsideration of Parcel Map CO 88-0220 to amend the mitigation agreement for Parcel 1 to allow a secondary dwelling. The proposed project is within the Residential Suburban Land Use Category and is located on the southeast corner of Oak Way and Corbett Canyon Road in the Arroyo Grande Fringe approximately 1.8 miles north of the City of Arroyo Grande, in the San Luis Bay (Inland) Planning Area. The project relies on the previously adopted Negative Declaration dated August 31, 2001 (ED00-639). County File No. SUB2004-00204. APN: 044-280-020. Supervisorial District #4. Date Accepted: December 17, 2004.
Jay Johnson, staff	Gives the staff report. Provides background, displays maps, recommends approval.
Richard Marshall, Public Works	Requests additional information regarding the slope test, with staff responding. Further, requests clarification of why a variance is not required, with staff responding.
Further discussion takes place	Regarding application to the City of Arroyo Grande, traffic impacts, payment of City fees, feasibility study as regards disposal sites, with staff responding. Well and water information are discussed. Grading permits are already issued, which was done prematurely, but can be remedied by today's action.
Joel Shennum, applicant	Gives his address, states staff has made a good presentation of his project.
Board members request further information from applicant	Regarding the well, with applicant stating the well is shared, is on his parcel, as are other wells that serve other lots in the area. Two parcels are being served by the well in question, that being two residences, so this could ultimately total four residences. Tree removal is discussed.
<b>MOTION</b>	The matter is fully discussed, and thereafter, on motion by Mr. Nall, seconded by Mr. Lichtenfels, and carried, with Mr. Marshall and Ms. Arlin-Genet voting no, to rely on the previously adopted Negative Declaration, and approve the Reconsideration of Parcel Map CO 88-0220, based on the Findings in Exhibit A and subject to the Revised Mitigation Measures in Exhibit B.
3. EARL HUFF, County File No. SUB2003-00318 / CO 04-0344	This being the time set for hearing to consider a request by <b>EARL HUFF</b> for a Parcel Map / Development Plan / Coastal Development Permit to convert an existing duplex into a Planned Development by subdividing an existing 7,627 square-foot parcel into two parcels of 2,796 and 2,722 square feet, in addition to a common parcel of 2,109 square feet, for the purpose of sale. The project also includes a request for an adjustment to the requirements of Section 21.03.010d of the Real Property Division Ordinance by making an exception to required curb, gutter, sidewalk, and road improvements on Circle Drive. The project will not result in additional development potential. The proposed project is within the Residential Multi-Family Land Use Category and is located at 1985 Circle Drive in the community of Cayucos, in the Estero Planning Area. This project is exempt under CEQA. <b>County File No: SUB2003-00318/CO 04-0344.</b> APN: 064-181-009. Supervisorial District: #2. Date Accepted: August

	10, 2004.
Mike Wulkan, staff	Gives the staff report. Displays maps overhead. Discusses conditions changes.
Jim Orton, County Counsel	Requests clarification of boundaries of each parcel and structures on each, with staff responding. This is not a situation where there is an easement -- the map should delineate same. The correction can be made with filing of the final map.
Earl Huff, applicant	Gives his address. States they built this as a place to retire and intention is not to change anything as far as appearance or size, but wishes to be able to sell rear units later on.
Jesse Hill, Arroyo Grande resident	Discusses affordable housing, rentals, minimum parcel size for Residential Multi-Family. Discusses possible results from this project, stating rental unit possibilities will be reduced. Creating little lots in Residential Multi-Family where apartments were intended goes to a different end, and the ability for rental income is lost. States requirements of the law are not met.
Earl Huff, applicant	States if affordable housing is a concern, when his home is sold in the future, it will be one of the most affordable in Cayucos.
Board members	Discuss pros and cons of apartments, condominiums, existing policies, amendments to the Housing Element, future policies.
Jim Orton, County Counsel	States this is a planned development, not a condominium, and code requires one or the other, so it should be clear this is a planned development.
Mike Wulkan, staff	Provides information regarding a coastal zone condominium provision that requires if low or moderate income housing is lost as a result, then replacement must be found.
<b>MOTION</b>	The matter is fully discussed, and thereafter, on motion by Mr. Marshall, seconded by Ms. Arlin-Genet, and unanimously carried, to approve Development Plan/Coastal Development Permit SUB2003-00318 based on the Findings in Exhibit A and subject to the Conditions in Exhibit C, with Condition 3 revised as follows: delete "California Department of Forestry (CDF)/County Fire Department" and insert in its place "Cayucos Fire Protection District."; and to approve Parcel Map CO 04-0344, based on the Findings in Exhibit B and subject to the Conditions in Exhibit D, with Conditions 5, 7, 8, 9, and 10 deleted, and Condition 11 revised as follows: delete "California Department of Forestry (CDF)/County Fire Department" and insert in its place "Cayucos Fire Protection District." and with Conditions 15.b. and 16.a. deleted.
Jim Orton, County Counsel	For the record, states the SRB cannot make adjustment to Title 23, though it can to Title 21. The exception must be to Title 21.
4. PETE WINSLOW County File No. SUB2004-00005.	This being the time set for hearing to consider a request by <b>PETE WINSLOW</b> for a Lot Line Adjustment to adjust the lot lines between 2 parcels of approximately 2 acres each. The adjustment will result in 2 parcels of approximately 2.06 and 1.92 acres each. The project will not result in the creation of any additional parcels. The proposed project is within the Agriculture Land Use Category and is located at the southwest corner of the intersection of Baron Way and Debonaire Drive, approximately 2.5 miles east of the community of Paso Robles, in the El Pomar/Estrella Planning Area.

	APN: 015-171-050. Also to be considered at the hearing will be approval of the Environmental Document prepared in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. Mitigation measures are proposed to address Biological Resources and Public Services. <b>County File No. SUB2004-00005.</b> Date application accepted: October 14, 2004. Supervisorial District #1.
Josh LeBombard, staff	Gives the staff report. States APN should be 015-171-033 only.
Board members	Request clarifying information about why the parcels are not being kept equal, that an engineer has been hired for the project, whether reducing small lot sizes to even smaller sizes is a good idea.
<b>MOTION</b>	Thereafter, on motion by Mr. Lichtenfels, seconded by Mr. Nall, and unanimously carried, to adopt the Negative Declaration in compliance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and to approve the Lot Line Adjustment, based on the Findings in Exhibit A and subject to the Conditions in Exhibit B, and with deletion of Assessor Parcel Number 015-171-050.
5. HARDESTY County File No. SUB2003-00093 / CO 04-0075	This being the time set for hearing to consider a request by <b>JAMES HARDESTY</b> for a Vesting Tentative Parcel Map / Conditional Use Permit for a cluster subdivision of an existing 2 acre parcel into one 0.5 acre residential parcel and a 1.5 acre open space parcel with a 6,000 square-foot building site, for sale and/or development. The project includes off-site road improvements. The proposed project is in the Residential Suburban Land Use Category and is located on the west side of Calimex Place (844 Calimex Place) approximately 300 feet south of Hetrick Avenue, in the community of Nipomo, in the South County (Inland) Planning Area, APN: 091-322-046. Also to be considered at the hearing will be approval of the Environmental Document prepared in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. Mitigation measures are proposed to address Air Quality, Public Services/Utilities, Recreation, Transportation/Circulation, Wastewater, and Water. <b>County File No. SUB2003-00093 / CO 04-0075.</b> Date application accepted: September 15, 2004. Supervisorial District #4.
Brian Pedrotti, staff	Gives the staff report. Describes the project, displays overhead maps. Recommends approval, proposing addition of new Condition 17.
Discussion takes place	
Mike Reineke	Gives address, gives background of the area. States further subdivision should not be allowed. States the area is not on sewage program. States he speaks for others in his neighborhood. There are no fire hydrants near the top. The road is privately owned, and density uphill is being increased. The road must be privately maintained, and the neighbors feel they have an interest because of that. States he and his neighbors are against this project.
Jesse Hill	States he represents a neighbor. States he likes staff reports being online, discusses standard conditions. States his client is against this project because he does not believe in further subdivision of the area. States his client's

	concerns, which include building envelopes on the open space parcel. Requests clarification regarding the building envelope lines.
Mike Reinecke	Provides clarification regarding map direction and roads existing in the area..
<b>MOTION</b>	<p>The matter is fully discussed, and thereafter, on motion by Mr. Marshall, seconded by Mr. Lichtenfels, and unanimously carried, to adopt the Negative Declaration in compliance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and to approve the Vesting Tentative Parcel Map CO 04-0075, based on the Findings in Exhibit A and subject to the Conditions in Exhibit B, with the following changes: in Condition 13 delete “on Lot 19” at the end; in Condition 14.f., delete “primary” from line one of subparagraph f. and add “No secondary residences are allowed.” to the end, delete subparagraph 15.j., revise Condition 16 by deleting “individual wells” and substituting “community water”, and add new Condition 17 to read: Prior to the filing of the final parcel or tract map, the applicant shall submit to and be jointly approved by the county Department of Planning and Building and Health Department, results of percolation tests and the log or logs of soil borings performed by a registered civil engineer. For this purpose, the applicant shall perform one or more soil borings to be a minimum depth of ten (10) feet in the area of the appropriate area of the proposed sewage disposal system to determine the: a) subsurface soil conditions, (example: impermeable strata which act as barriers to the effective percolation of sewage); b) presence of groundwater; c) separation between sewage disposal saturation areas and groundwater; d) borings shall be as deep as necessary below the proposed on-site disposal area to assure required separation; e) slope degrees shall be detailed on the property. The applicant must perform a minimum of three (3) percolation test holes, to be spaced uniformly in the area of the proposed sewage disposal system. The results of the test must provide a sufficient land area to allow for the proposed leach field and 100% expansion area at a minimum rate of 5 minutes/inch.”</p> <p>and to approve the Conditional Use Permit SUB2003-00093, based on the Findings in Exhibit C and subject to the Conditions in Exhibit D, with the following changes: in Exhibit D, revise Condition 10 by deleting “more than one building area not exceeding a total of 6,000 square feet” at the end of sentence two, and in Condition 14, add “No secondary residences are allowed.” at the end, add “STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS USING COMMUNITY WATER AND SEPTIC TANKS, and delete the Standard Conditions of Approval for Subdivisions using Individual Wells and Septic Tanks.</p>
6. DAVID FLAGG County File No. SUB2003-00018 / CO 04-0004	<p>This being the time set for hearing to consider proposal by <b>DAVID FLAGG</b> for a Tentative Parcel Map to allow for a subdivision of a 39.50 acre parcel into two 19.75 acre parcels using Transfer Development Credits for the sale and development of each proposed parcel. The project will include the grading of two driveways and two house pads (one house on each proposed lot), in the Agriculture Land Use Category. The property is located in the county on the southwest corner of the intersection of Highway 41 East and Straw Ridge, 0.6 mile west of Creston Road approximately 1.87 miles north west of the</p>

	community of Creston, APN: 043-051-004, in the El Pomar-Estrella Planning Area. Also to be considered at the hearing will be approval of the Environmental Document prepared in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. Mitigation measures identified for: Aesthetics, Ag Resources, Air Quality, Biological Resource, Public Service/Utilities and Recreation. <b>County File Number: SUB2003-00018/CO 04-0004.</b> Date application accepted: February 13, 2004. Supervisorial District # 1.
Eric Greening	States the analysis should look at the impact of using non-viability as an argument for breaking down rather than rezoning agricultural land. States setting such precedent should be considered for its impacts, and real analysis should be done to reach the desired goal. States projects should be consistent with the General Plan.
<b>MOTION</b>	Thereafter, on motion by Mr. Nall, seconded by Mr. Marshall, and unanimously carried, to continue the above referenced item, SUB2003-00018 / CO 04-0004 to March 7, 2005.
Adjourn	Next regular meeting March 7, 2005 at 9:00 a.m.

Respectfully submitted,  
Lona Franklin, Secretary  
County Subdivision Review Board